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TRANSMITTAL

| | | |
|----------------|---------------------------|---|
| Applicant | : Jorma Virtanen | CERTIFICATE OF MAILING I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, on <u>June 4, 2004</u> (Date) <u>Russell M. Jeide</u> Russell M. Jeide, Reg. No. 54,198 |
| Appl. No.: | : 09/976,718 | |
| Filed | : October 13, 2001 | |
| For | : ASSAY DEVICE AND METHOD | |
| Examiner | : A. H. Marschel | |
| Group Art Unit | : 1631 | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Power of Attorney from Nagaoka & Co., Ltd., partial assignee, in 1 page.
- (X) Power of Attorney from Burstein Technologies, Inc., partial assignee, in 1 page.
- (X) Statement under 37 CFR 3.73(b) in 2 pages, with attached copy of assignment in 2 pages and Change of Name in 4 pages.
- (X) Return prepaid postcard.
- (X) Please charge any fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Russell M. Jeide
Russell M. Jeide
Registration No. 54,198
Attorney of Record
Customer No. 20,995
(619) 235-8550



0.11CPCCCD

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------|---|-------------------------|
| Applicant | : | Jorma Virtanen |
| Appl. No. | : | 09/976,718 |
| Filed | : | October 13, 2001 |
| For | : | ASSAY DEVICE AND METHOD |
| Examiner | : | A. H. Marschel |
| Group Art Unit | : | 1631 |

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Nagaoka & Co., LTD., a Japanese Corporation, states that it is an assignee of one half of the entire right, title and interest in the above-referenced patent application by virtue of a chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. All right, title, and interest was assigned from the inventor Jorma Virtanen to Burstein Laboratories, Inc., for which a copy thereof is attached.
2. Burstein Laboratories, Inc. changed its name to Burstein Technologies, Inc., for which a copy is attached.
3. An undivided one half of the entire right, title, and interest was assigned from Burstein Technologies, Inc. to Nagaoka & Co., LTD. The document was recorded in the United States Patent and Trademark Office at Reel 014358, Frame 0061.

For the attached documents that have not yet been recorded by the Assignment Division of the U.S. Patent and Trademark Office, a separate copy of the documents are being submitted to the Assignment Division in accordance with 37 C.F.R. Part 3 to be recorded in the records of the U.S. Patent and Trademark Office.

Appl. No. : 09/976,718
Filed : October 13, 2001

The undersigned, whose title is supplied below, is authorized to act on behalf of the assignee. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 4, 2004

By: Russell M. Jeide
Russell M. Jeide
Registration No. 54,198
Attorney of Record
Customer No. 20,995
(619) 235-8550

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ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned: Jorma Virtanen the undersigned hereby sell(s) and assign(s) Burstein Laboratories, 33601 Avenida Calita, San Juan Capistrano, California 92675, USA (the Assignee) his/her entire right, title and interest

check applicable box(es) ☒: for the United States of America (as defined in 35 U.S.C. § 100),
☒: and throughout the world.

in the invention(s) known as Spatially Addressable, Cleavable Reflective Signal Elements, Assay Device and Method for which application(s) for patent in the United States of America has (have) been executed by the undersigned on April 2, 1998 (also known as United States Application No. 08/888,935, filed July 7, 1997), in any and all applications thereon, in any and all Letters Patent(s) therefor, and in any and all reissues, extensions, renewals, reexaminations of such applications or Letters Patent(s) and divisional and continuation applications thereof, to the full end of the term or terms for which such Letters Patent(s) issue, including all claims, if any, that may have arisen for infringement prior to the date of this assignment, such entire right, title and interest to be held and enjoyed by the above-named Assignee to the same extent as they would have been held and enjoyed by the undersigned had this assignment and sale not been made.

The undersigned agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference that may be declared concerning the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

The undersigned hereby represents that the undersigned has full right to convey the entire interest herein assigned, and that the undersigned has not executed, and will not execute, any agreement in conflict therewith.

The undersigned hereby grant(s)

Jeffrey I. Auerbach, Reg. No. 32,680
Melvin L. Barnes, Jr. Reg. No. 38,375
Thane Bauz, Reg. No. P41,604
Michael J. Bell, Reg. No. 39,604
John A. Bendrick, Reg. No. P41,612
Mark R. Buscher, Reg. No. 35,006
Celine T. Callahan, Reg. No. 34,301
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Joel M. Freed, Reg. No. 25,101
Vernon Randall Gard, Reg. No. 33,886
Alan M. Grimaldi, Reg. No. 26,599
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Richard H. Kjeldgaard, Reg. No. 30,186
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David R. Marsh, Reg. No. 41,408
Kevin W. McCabe, Reg. No. 41,182
Joseph A. Micallef, Reg. No. 39,772
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Karen L. Nicastro, Reg. No. 35,968
Bradley J. Olson, Reg. No. 40,750
Russell O. Palge, Reg. No. P40,758
Stephen J. Pentlicki, Reg. No. 40,125
Andrew Y. Platnicka, Reg. No. 40,772
Andrea G. Relster, Reg. No. 36,253
Stephen J. Rosenman, Reg. No. 29,209
David P. Ruschke, Reg. No. 40,151
Timothy L. Scott, Reg. No. 37,931
Anthony W. Shaw, Reg. No. 30,104
J. David Smith, Reg. No. 39,839
Michael J. Songer, Reg. No. 39,841

of HOWREY & SIMON, BOX NO. 34, 1299 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20004-2402, power to insert in this Assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned on the date(s) opposite their name(s).

Date: 4/2/98 Signature of Inventor: Jorma Virtanen
Jorma Virtanen

Date: _____ Signature of Inventor: _____

Date: _____ Signature of Inventor: _____

Date: _____ Signature of Inventor: _____

State of Delaware

PAGE 1

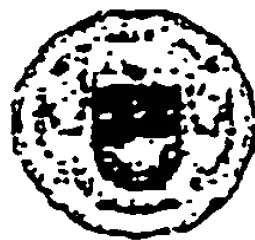
Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "BURSTEIN LABORATORIES, INC.", CHANGING ITS NAME FROM "BURSTEIN LABORATORIES, INC." TO "BURSTEIN TECHNOLOGIES, INC.", FILED IN THIS OFFICE ON THE TWENTY-SIXTH DAY OF JANUARY, A.D. 2000, AT 6 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

2519137 8100

001048681



Edward J. Freel, Secretary of State

0231347

AUTHENTICATION:

02-02-00

DATE:

Received Time Jan. 8. 11:15AM

CERTIFICATE OF AMENDMENT

OF

CERTIFICATE OF INCORPORATION

Burststein Laboratories, Inc.

Burststein Laboratories, Inc., a corporation, organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of said corporation, at a meeting duly held, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation:

RESOLVED, that the Amended Certificate of Incorporation of Burststein Laboratories, Inc. be amended by changing the First Article thereof so that, as amended, said Article shall be and read as follows:

The name of this corporation shall be Burststein Technologies, Inc.

SECOND: That in lieu of a meeting and vote of stockholders, the stockholders have given written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware and written notice of the adoption of the amendment has been given as provided in Section 228 of the General Corporation Law of the State of Delaware to every stockholder entitled to such notice.

IN WITNESS WHEREOF, said Burststein Laboratories, Inc. has caused this certificate to be signed by Ed Deese its Secretary, this 20th day of January, 2000.

By: 

Ed Deese, Secretary

Received Time

Jan. 8. 11:15AM